IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 26377 of 2007(M)

PETITIONER:

1. A.STELLA,
   REHABILITATION TECHNICIAN GRADE-II(LEATHER),
   ARTIFICIAL LIMB FITTING CENTRE,
   MEDICAL COLLEGE, THIRUVANANTHAPURAM.

2. M.VISWAN,
   REHABILITATION TECHNICIAN GRADE-II(LEATHER),
   PHYSICAL MEDICINE DEPARTMENT,
   MEDICAL COLLEGE, KOZHIKODE.

3. S.VIVEKANANDAN,
   REHABILITATION TECHNICIAN GRADE-II(LEATHER),
   ARTIFICIAL LIMB FITTING CENTRE,
   MEDICAL COLLEGE, THIRUVANANTHAPURAM.

4. K.RAJAN,
   REHABILITATION TECHNICIAN GRADE-II(LEATHER),
   ARTIFICIAL LIMB FITTING CENTRE,
   MEDICAL COLLEGE, THIRUVANANTHAPURAM.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.M.R.JAYAPRASAD
SRI.K.K.RAJEEV
SRI.P.MOHANDAS (ERNAKULAM)

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
   SECRETARY, HEALTH AND FAMILY WELFARE DEPARTMENT,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR,DIRECTORATE OF HEALTH SERVICES,
   THIRUVANANTHAPURAM.

3. THE SENIOR ADMINISTRATIVE OFFICER,
   DIRECTORATE OF MEDICAL EDUCATION,THIRUVANANTHAPURAM.

4. MOHAN MENON.V.,
   REHABILITATION TECHNICIAN GRADE-I(PROSTHETIC),
   MEDICAL COLLEGE, KOZHIKODE.

5. SUKUMARAN.G.,
   REHABILITATION TECHNICIAN GRADE-I(PROSTHETIC),
   MEDICAL COLLEGE, THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P.(C) NO.26377 of 2007

Dated this the 6th day of September, 2007

JUDGMENT

The petitioners, who are working as Rehabilitation Technician Grade- II (Leather) in the Health Services Department, are aggrieved by the fact that Rehabilitation Technician Grade-II in Prosthetic, Orthotic and Leather are not pooled together as contemplated and provided in Ext.P1 order and that a common seniority list has not been prepared in relation to all the three categories. The learned counsel for the petitioner contends that Ext.P4 provisional seniority list indicates that these three categories are still being treated as separate.

2. Ext.P5 objections have been filed by one of the petitioner before the Government. The same may be treated as an objection on behalf of the other petitioners also.

3. After having heard the learned counsel for the petitioner and the learned Government Pleader, I am of the view that the objections raised by the petitioner to the provisional seniority list vide Ext.P5 and in similar objections filed by other persons should obviously be looked into before the seniority list is finalised. If promotions are effected in the meanwhile, before finalisation of the seniority list, obviously, such promotions may have to be reviewed, after the preparation of the final seniority list. That will depend

upon whether the objections filed by the persons included in the provisional seniority list are accepted.

4. The writ petition is disposed of directing the first respondent to consider the objections to Ext.P4 seniority list filed by the petitioners and any other person affected by the same and it shall be looked into by the first respondent within a period of two months from the date of receipt of a copy of this judgment. Promotions effected in the meanwhile will be subject to the decision to be taken by the first respondent in the matter of finalising the seniority list of Rehabilitation Technician Grade II in all the three categories. The contention raised by the petitioner as regards the promotion affected under Ext.P6 is left open.

V.GIRI, JUDGE

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